

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**CASE NO.: 1:23-CV-01823-JD**

DOMINIC GWINN,

Plaintiff,

v.

CITY OF CHICAGO AND DAVID O'NEAL  
BROWN,

Defendants.

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**MOTION FOR LEAVE TO FILE SUPPLEMENTAL EVIDENCE IN SUPPORT OF  
PLAINTIFF'S POST-TRIAL MOTION FOR ATTORNEYS' FEES AND COSTS OF  
LITIGATION PURSUANT TO 17 U.S.C. §§ 505 AND 1203 AND PRE-JUDGMENT  
INTEREST AND MEMORANDUM OF LAW IN SUPPORT**

Plaintiff DOMINIC GWINN by and through his undersigned counsel, hereby moves this Honorable Court for Leave to File Supplement Evidence in Support of Plaintiff's Post-Trial Motion for Attorneys' Fees and Costs of Litigation Pursuant to 17 U.S.C. §§ 505 and 1203 and Pre-Judgment Interest and Memorandum of Law in Support as grounds therefore states as follows:

1. On October 8, 2025, Plaintiff filed his Post-Trial Motion for Attorneys' Fees and Costs of Litigation Pursuant to 17 U.S.C. §§ 505 and 1203 and Pre-Judgment Interest and Memorandum of Law in Support ("Motion"). (ECF 105).
2. On October 29, 2025, Defendants filed their Response to Plaintiff's Post-Trial Motion for Attorneys' Fees and Costs. (ECF 111).
3. The response filed at ECF 111 argues that plaintiff failed to meet his burden that his attorneys' hourly rates were reasonable. (ECF 111 at 3-5). The response argues that the

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requested fees are disproportionate in light of the damages awarded and plaintiff's contingency fee agreement with counsel. (ECF 111 at 5-6). The response argues that plaintiff's attorneys' charged for fees that are non-compensable, unreasonable, and excessive. (ECF 111 at 6). The response claims that certain entries billed were administrative and non-compensable. (ECF 111 at 7-9). The response argues that plaintiff's counsel billed excessive fees. (ECF 111 at 9-12). The response asserts that certain entries are vague, duplicative, and block-billed. (ECF 111 at 12-14).

4. All these arguments rely upon facts that plaintiff's counsel possesses and that should be put before the Court so that the Court can make a determination whether to allow the fees claimed. For example, the assertion that plaintiff's attorneys' hourly rates are unreasonable requires consideration not just of defendants' arguments, but also of information concerning plaintiff's attorneys' experience and the rates charged by other attorneys who practice intellectual property.

5. Plaintiff intends to submit a declaration for Joel Rothman and one for the plaintiff Dominic Gwinn in further support of the motion. The purpose of the declarations is to address the factual issues raised by the defendants that were not anticipated at the time the motion was filed.

6. Counsel for the Plaintiff conferred with Defendants' counsel on November 10, 2025 and requested to file additional declarations with Plaintiff's reply to Defendants' response to Plaintiff's post-trial motions. Counsel for Defendants did not agree because she indicated she needed to see the submissions first. The submissions are still being prepared and are planned to be filed on November 12, 2025 with the reply when it is due.

7. Plaintiff makes this request in order to provide the Court with evidence supporting the assertions in Plaintiff's Motion which directly address many of the Defendants' arguments in their Response, and does so in good faith. Good cause exists for the relief requested.

WHEREFORE, Plaintiff DOMINIC GWINN prays this Honorable Court for leave to file supplement evidence in support of Plaintiff's Motion, and for such other and further relief as to this Court deems just and proper in the premises.

Dated: November 12, 2025

Respectfully submitted,

*/s/ Anthony J. Underwood*  
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